

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES OF AMERICA

VS

No. 4:21-CR-00127-JM

CODY BURCH

ORDER

Defendant's motion to reduce sentence (Doc. No. 41) is DENIED.

Defendant is not eligible for a sentence reduction because Amendment 821 does not reduce his criminal history category or guideline range.¹ Although Defendant's criminal history score lowers to 23, his criminal history category remains VI. Additionally, Defendant's plea agreement "waive[d] the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2)"² Because Defendant knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief.³

IT IS SO ORDERED this 2nd day of December, 2025.


UNITED STATES DISTRICT JUDGE

¹ See U.S.S.G 1.10 (a)(2) ("Exclusions.—A reduction in the defendant's term of imprisonment is not consistent with this policy statement and therefore is not authorized under 18 U.S.C. § 3582(c)(2) if— . . . an amendment listed in subsection (d) does not have the effect of lowering the defendant's applicable guideline range.").

² Doc. No. 33.

³ *United States v. Cowan*, 781 F. App'x 571 (8th Cir. 2019) (affirming dismissal of a § 3582(c)(2) motion when the record establish that the defendant knowingly and voluntarily entered the plea agreement).